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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,527	11/20/2001	Jean-Pierre Mao	034299-364	8860

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EXAMINER	
SEFCHECK, GREGORY B	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,527	MAO, JEAN-PIERRE	
	Examiner	Art Unit	
	Gregory B. Sefcheck	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

- Applicant's Amendment filed 3/13/2006 is acknowledged.
- Claims 1-3 have been amended.
- The previous objections to the Abstract, Claims, and Drawings are withdrawn in light of the Amendment.
- The previous rejections of claims 1-3 under 35 USC 112, 1st paragraph are withdrawn in light of the Amendment.
- Claims 1-3 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (US006430184B1), hereafter Robins.

- In regards to Claims 1 and 2,

Robins discloses a process and device for communicating data packet flows, including ATM (Abstract; Col. 1, line 27; claim 1,2 – process/device for deterministic transmission of data in packets).

Referring to Fig. 1, data is received from the Quad PHY 1 physical interface at MOM 1 chip 10 (input module) and then stored in one of a plurality of buffers in Queue Manager 30 (QM; packeting module; Col. 14, lines 15-28; claim 1,2 – receiving data at input module in set of buffers in one or more packeting modules).

Robins further discloses Forwarding Engine 40 that provides instructions to the QM for packeting based upon received headers, which are added to the packets before transmitting them out so they may be recovered in their predefined order (sorting and enhancement data; Col. 7, lines 8-13; Col. 8, lines 8-57; claim 1,2 – commencing first packeting cycle: start of packeting, packeting with sorting and enhancement of data, end of packeting and sending of packets; claim 1,2 – recovering one after another of the first packets, in a predefined order, in the message composition module).

Robins discloses a "cut-through" mode of operation in which packeting is ended and the data is transmitted before a complete packet is realized, such that portions of a packet may be transmitted while other portions are still being received (Col. 17, lines 25-45; Col 16, lines 17-64; claim 1,2 – ending packeting cycle; claim 1,2 – forwarding first packets to message composition module regardless of state of completion of first packeting cycle; claim 1,2 – commencing start of second realization cycle).

Robins shows that packets are then sent out another port on a Quad PHY 2 (Fig. 1; claim 1,2 – setting of the message to the electrical format of the protocol used for transmission).

Robins does not explicitly show the "cut-through" mode of operation comprising a request from the message composition module.

However, Robins does disclose that the Forwarding Engine 40 is responsible for providing instructions to the QM and MOM for packeting according to the linked-lists of packet descriptors stored in buffers of the QM. Therefore, it would be the instruction to perform packeting in accordance with "cut-through" mode would come from the Forwarding Engine 40 (Col. 7, lines 8-13; claim 1,2 – ending packeting cycle at the request of a message composition module).

It would have been obvious to one of ordinary skill in the art at the time of the invention to initialize "cut-through" mode in the process and device of Robins through an instruction from the Forwarding Engine 40. One of ordinary skill in the art would be motivated to do this because the Forwarding Engine 40 is already shown to provide instructions to the QM and MOM for packeting in a standard mode of operation, so any change to the mode of operation should be initiated from the Forwarding Engine 40.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robins in view of Troxel et al. (US006014381A), hereafter Troxel.

- In regards to Claim 3,

Robins discloses a process and device for communicating data packet flows that covers all limitations of the parent claim.

Robins does not explicitly disclose the use of the process in data acquisition and real-time processing systems for test installation of new airplanes.

The use of the packetization process shown by Robins would be beneficial for data acquisition and real-time processing systems of any type, including those used on airplanes as shown by Troxel (Col. 1; claim 3 – use of claim 1 process in data acquisition and real-time processing systems for test installation of new airplanes).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the process of Robins in data acquisition and real-time processing systems, including those used in airplanes, as shown by Troxel, so that portions of data packets can be transmitted while other portions of the packets are still being processed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kalkunte et al. (US 20030118016A1)
- Assa et al. (US 20020018474A1)
- Viswanadham et al. (US 20010043614A1)

- Kuo et al. (US007031343B1)
- Wartski et al. (US005732082A)
- Burrows (US005303302A)

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GBS GBS
5-17-2006

Seema S. Rao 5/18/06
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